

DRAFT -- STATEMENT

RE: SECTION 405 -- FOREIGN AID BILL

I want to make a few comments about Section 405 of H. R. 9910. Generally, the section provides annual authorizations for the State Department and the U. S. Information Agency. However, subsection (b) would also require the Department of State to keep the Senate Foreign Relations Committee and the House Foreign Affairs Committee "fully and currently" informed regarding all activities and responsibilities of all departments, agencies, and individual establishments of the United States government conducted outside the United States or its territories or possessions.

The same subsection (b) also requires that all these departments, agencies, and establishments furnish any information requested by either of the foreign relations committees relating to any of these overseas activities and responsibilities.

As a Senator, I am not qualified to discuss all the implications of such a requirement with respect to all overseas activities of all government agencies. As Chairman of the Senate Armed Services Committee, however, I want to suggest very seriously that the language involves at least one important jurisdictional problem.

That is because the Central Intelligence Agency, which was established under the National Security Act of 1947, would presumably,

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be one of the agencies covered by the new subsection (b). As Senators know, the agency, since its establishment, has been under the legislative oversight of the Armed Services Committees of the House and Senate and subject to budgetary review by the House and Senate Appropriations Committees. The format has varied somewhat, but those individual Committees have usually established special subcommittees for this purpose.

I do not believe this basic jurisdictional responsibility can be questioned. The CIA was, as I have noted, created by national security legislation which was drafted by the Senate Armed Services Committee. The agency has, through its entire existence, been under the legislative oversight of the Armed Services Committee. It is now proposed that the agency provide "any information requested" by other committees which do not have jurisdictional responsibility.

I would be the first to agree that the CIA has enjoyed an unusual sort of legislative and budgetary oversight in the Senate and House. I believe that the unusual system has worked remarkably well, however, and I will strongly resist any casual language in a foreign aid bill which would appear to alter the jurisdictional situation.

There are two very important factors involved. I am sure no member of any committee who is interested in CIA information or

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CIA estimates would want to carelessly endanger intelligence operations -- to jeopardize intelligence sources or compromise intelligence techniques. The present system has, I believe, worked rather well in protecting those aspects of CIA activity which must remain secret at all costs.

Further, the CIA was established outside the State Department as an independent agency to collect information and make independent evaluations. That independence is vital. Yet, the first sentence of subsection (b) suggests that the State Department is now to have some special access to any and all CIA information, as a function of keeping the Senate Foreign Relations Committee and the House Foreign Affairs Committee "fully and completely informed" with respect to all activities abroad.

I suppose it is understandable -- and even desirable -- that secret activities, such as those of CIA, should be viewed with great suspicion by Congress and the public. I think the publication of the so-called Pentagon papers has shown, however, that the CIA does produce accurate, independent and tough analysis on which to base government policy.

I will not violate security if I add here that, while some government agencies have been expanding, CIA has reduced its work force -- while other budgets have been escalating, the cost of running CIA has been decreasing. In short, the Central Intelligence Agency has generally proven worthy of the trust which Congress has placed in it.

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I am not an intelligence expert, but I do know that the experts want to make intelligence information available only to those who need it -- that is, to circulate information on a "need to know" basis. I am deeply concerned about this language which would appear to make the most tightly held intelligence secrets available in Congress, and in a portion of the Executive Branch, on a "want to know" basis.

I do not say, for one minute, that CIA should simply withhold information from Congressional committees other than those which have jurisdiction over its operation and budget. Indeed, I think it is quite clear that CIA, especially under its present Director, has not attempted to do that. I believe the agency has been quite willing to provide data for other committees -- and even for individual Senators -- involved in activities on which CIA has collected pertinent information.

On this basis, I suggest that the proposed subsection (b) be amended so that the words "within the jurisdiction of these committees" be inserted after the word "responsibilities" at line 7 and after the word "information" at line 11 on page 57 of the bill as reported by the Senate Foreign Relations Committee.

I think this is a reasonable solution to this jurisdictional problem. It would make it clear that the broad scope of all CIA operations is a matter within the legislative jurisdiction of the Senate Armed Services

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Committee, and its budget, of the Appropriations Committee. At the same time, the changes would preserve the thrust of the subsection as proposed by the Senate Foreign Relations Committee in its desire to be fully informed about operations overseas which properly fall within its legislative purview.